

R E A S O N S

Against the Read Bill;

SUPPOSED;

For Relief of CREDITORS, AND

read 11 Dec 1691
with notice to the
House of Commons 1690?
Preventing Escapes.

I.

THAT the Assertion in the Preamble, of Prisoners obtaining their Liberties upon Securities, Writs, Rules, or Orders, of the Courts of *Westminster*; in Evasion and Abuse of the Law, is False; and the highest Reflection ever offered to the Judges of those Courts; Securities having been taken, and those Writs and Rules allowed, ever since there were Prisons for Debtors, or Goalers for such Prisoners, as is well known to the Gentlemen of the Long Robe, and is justified by the Entries and Records of those Courts who have allowed them. Because that if Prisoners are denied and debarred of these Priviledges, it will be impossible for them to follow the Prosecutions at Law in the Courts of *Westminster*, and else-where, to get in their Effects whereby to satisfy their Just Debts and Creditors.

II.

If these Securities, Writs, and Orders, are taken away; and the Rules lessened, as is designed by this Bill, and Confinement to the Scites of the Two great Prisons of *England*, and Prisoners heap'd one upon another, as Dead Men were in the great Contagion; as soon as a Debtor takes Prison he is sure to be Starv'd or Smother'd to Death, the space of Ground, (in respect of increase of People, and decrease of Trade,) being not sufficient to contain the Prisoners by many Thousands.

III.

This Act Restrains, the *Habeas-corpus*-Writ, to Twenty Miles for one Day, so as the Prisoner, which may be unjustly so, and hath been, and may be again, the Case of the greatest Commoner of *England*, will have no time to address to Council, or Friend, for Advice or Succor: For to a Goal choak'd up, as these Two great Goals must be, take away their Rules, and giving Securities, who will come?

This Writ! this precious Priviledg! Cost the Subjects of *England*, besides their Hearts-Blood, in former times, Two Hundred Six Thousand Four Hundred and Sixty Pounds in the Merciful Reign of King *Charles* the Second, and it hath Cost much more, (and a Cheap Bargain too,) for our Happy Revolution; but if this BILL pass, *MAGNA CARTA*, and the Subjects Liberties, must be Buried, and the poor *English-Man* loaded with more exquisite Slavery then Bondmen of other Nations; whilst the Oppressors, for so may Plaintiffs be, and Lawyers well know most commonly are,) upbraid Heaven with their Injustice, and Triumph over their Imprisoned Brethren.

IV.

By this Act, the very Civilities of Goalers, (whose greatest Mercies are Cruelties,) are quite taken away, for without Security they cannot permit Conveniency for necessary Breathing, so as the poor Imprisoned Person must, in the literal fence, Die daily, by living so Miserably.

V.

This Act will have another Clause for the effectual destruction of the Prisoner, for if he discharge not his Debt after Six Months in Execution, he must lie close Confined in one of these, then, great Dungeons, and what is allowed to a Felon for Sustenance, must be Seized by the Creditor; so as 'tis but take him Goaler, the poor Man is safe, he will never live long to tell Tales of his Malitious Adversary.

VI.

The real Plea of the Goaler, in case of Escape, will be quite taken away, and no Rules, Orders, or Writs, allowed upon the Prisoners Account, not so much as to the Supreme Court of Parliament. And it is to be wondred, at this time of the Day, especially, that new ways of Oppressions should be devised, when so much hath been expended for Restauration of our Liberties; and if a Law can be perpetuated, and our Charter of Liberties is in force, so often Confirmed and Regained by *English* Blood, it must be allowed, that this Act ought to be void in its self, if brought, (to the King's Loss in his Revenue, and the Subject's Destruction,) to perfection: For in Ancient time, before Imprisonment for Debt came in use, which was in general, but in the Reign of *Edward* the Third, there was the Writ *De Moderata Misrecordia*, by which the Dwelling-House and Curtilage was sav'd, and the Tools of Husbandmen, but by this all is taken away, and the priviledg of living besides.

VII.

The Statute of *R. 2. Cap. 2.* makes voluntary Escapes a Forfeiture, but reserves the liberty of the King's Writ, or Commandment, which must be meant, the Rules, or Orders, of the King's Courts, but this Act would not only take away those Rules, but so clog the Goaler with Restrictions and Penalties, that it is to be hoped, (if this Act pass,) what was never so well intended by it, that there may be found neither Goaler for a Prison, or a Prisoner for Debt in a Goal.